

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

OCT 03 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VENKATESH KRISHNAN,
GEETHA MANSUNATH and K.S. VENUGOPAL

Application 09/264,756

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 11, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

It is noted that the Shaughnessy and Brown et al. references cited on pages 7 and 8 of the Examiner's Answer mailed October 1, 2004 under the heading "Claim Rejections - 35 USC § 103" are not included as "Prior Art of Record." In accordance with § 1211 of the Manual of Patent Examining Procedure (MPEP)

(8th Ed., Rev. 2, May 2004), clarification is required regarding the pertinence of the Shaughnessy and Brown et al. references.

In addition, MPEP § 1208(A)(9) states:

(A) REQUIREMENTS FOR EXAMINER'S ANSWER.
The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . .
(9) References of Record. A listing of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages.

If appropriate, compliance with MPEP § 1208(A)(9) is required in listing the Shaughnessy and Brown et al. references under the heading "References of Record" appearing in the Examiner's Answer mailed October 1, 2004.

Accordingly, it is

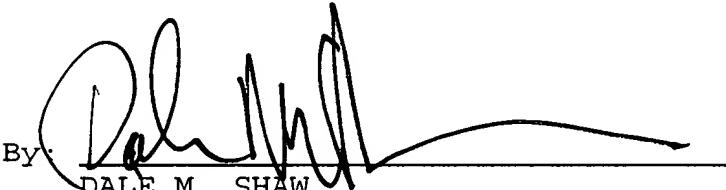
ORDERED that the application is returned to the examiner:

1. for clarification under MPEP § 1211 regarding the pertinence of the Shaughnessy and Brown et al. references listed on pages 7 and 8 of the Examiner's Answer mailed October 1, 2004;
2. if appropriate, for compliance with MPEP § 1208(A)(9) by listing the Shaughnessy and Brown et al.

references in a Supplemental Examiner's Answer¹ under the heading "References of Record";

3. to have a complete copy of any subsequent Examiner's Answer scanned into the Image File Wrapper (IFW); and
4. for such further action as may be appropriate.

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By 
DALE M. SHAW
Program and Resource Administrator
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¹ In accordance with the new rules which became effective on September 13, 2004, a Technology Center Director or designee must approve every Supplemental Examiner's Answer.